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|-----------------------|---|-------------------------|
| ANTHONY ROGERS, |) | No. C 11-02098 EJD (PR) |
| |) | |
| Plaintiff, |) | ORDER OF DISMISSAL WITH |
| |) | LEAVE TO AMEND |
| vs. |) | |
| |) | |
| |) | |
| DON GRIFFITH, et al., |) | |
| |) | |
| Defendants. |) | |

Plaintiff is advised that to state a claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under the color of state law committed a violation of

Order of Dismissal with Leave to Amend
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1 a right secured by the Constitution or laws of the United States. West v. Atkins, 487
2 U.S. 42, 48 (1988). Plaintiff must identify defendants by name and state how each
3 individual defendant violated a specific federal right.

4 5 CONCLUSION

6 For the foregoing reasons, the Court orders as follows:

7 The complaint is DISMISSED with leave to amend. Within **thirty (30) days**
8 of the date this order is filed, Plaintiff shall file an amended complaint. The
9 amended complaint must include the caption and civil case number used in this
10 order and the words "AMENDED COMPLAINT" on the first page and write in the
11 case number for this action, Case No. C 11-02098 EJD (PR). If using the court form
12 complaint, plaintiff must answer all the questions on the form in order for the action
13 to proceed.

14 **Failure to respond in accordance with this order by filing an amended**
15 **complaint will result in the dismissal of this action without prejudice and**
16 **without further notice to Plaintiff.**

17 The Clerk shall include two copies of the court's complaint with a copy of
18 this order to plaintiff.

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20 DATED: July 18, 2011


21 EDWARD J. DAVILA
22 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY ROGERS,
Plaintiff,

Case Number: CV11-02098 EJD

CERTIFICATE OF SERVICE

v.

DON GRIFFITH, et al.,
Defendants.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 7/27/2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Anthony Rogers F 69414
San Quentin State Prison
Quentin, CA 94974

Dated: 7/27/2011

Richard W. Wieking, Clerk
/s/By: Elizabeth Garcia, Deputy Clerk